

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

17 CR 127 (KMW) (BCM)

5 JOSEPH MELI,

6 Defendant.

7 -----x
8 New York, N.Y.
9 October 31, 2017
10 10:40 a.m.

11 Before:

12 HON. BARBARA C. MOSES,

13 Magistrate Judge

14 APPEARANCES

15 JOON H. KIM
16 Acting United States Attorney for the
17 Southern District of New York

18 ELISHA KOBRE
19 BRENDAN FRANCIS QUIGLEY
20 Assistant United States Attorneys

21 KASOWITZ, BENSON, TORRES LLP (NYC)
22 Attorneys for Defendant

23 BY: DANIEL J. FETTERMAN
24 JEFFREY R. ALEXANDER
25

1 (Case called)

2 THE DEPUTY CLERK: Counsel, state your name for the
3 record.

4 MR. KOBRE: Yes. Good morning, your Honor. Elisha
5 Kobre and Brendan Quigley for the government.

6 THE COURT: Good morning, Mr. Kobre and Mr. Quigley.
7 Please be seated.

8 MR. FETTERMAN: Daniel Fetterman and Jeffrey Alexander
9 for Mr. Meli.

10 THE COURT: Good morning, counsel, and good morning,
11 Mr. Meli.

12 I am Magistrate Judge Moses. I understand that we are
13 here for a change of plea.

14 Mr. Fetterman, I have been told that your client,
15 having previously pleaded not guilty, now wishes to plead
16 guilty to Count Five of the indictment in this matter.

17 Is that correct?

18 MR. FETTERMAN: That's correct, your Honor.

19 THE COURT: Mr. Meli, I have before me a document
20 entitled Consent to Proceed Before a United States Magistrate
21 Judge on a Felony Plea Allocution which I'm holding up.

22 Is that your signature on the form?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: What this form says is that you know you
25 have a right to have your plea taken by a United States

1 district judge, but you are agreeing to have your plea taken by
2 a United States magistrate judge, which is what I am.

3 As a magistrate judge, I have the authority to take
4 your plea, with your consent. You have all of the same rights
5 and protections as if you were pleading before a district
6 judge, and if you plead guilty, you will be sentenced before a
7 district judge.

8 Did you sign the consent form voluntarily?

9 THE DEFENDANT: Yes, Judge.

10 THE COURT: Before signing the form, did your lawyers
11 explain it to you?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Do you wish to proceed with your plea in
14 my courtroom this morning?

15 THE DEFENDANT: Yes, Judge.

16 THE COURT: Thank you. You may be seated, unless I
17 tell you otherwise.

18 As I discussed with your counsel, Mr. Meli, I've been
19 informed that you wish to change your plea and enter a plea of
20 guilty as to the charge alleged against you in Count Five of
21 the indictment.

22 Is that correct?

23 THE DEFENDANT: That is correct.

24 THE COURT: Before deciding whether to accept your
25 guilty plea, I need to ask you certain questions. It's

1 important that you answer my questions honestly and completely.
2 The purpose of the questions is to make sure that you
3 understand your rights, to make sure that you are pleading
4 guilty of your own free will, and to make sure that you're
5 pleading guilty because you are guilty and not for any other
6 reason.

7 Do you understand what I'm saying?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: If you don't understand any of my
10 questions or if you simply want a moment to consult with your
11 lawyer, please let me know. It is important that you
12 understand the question before you answer it.

13 I will ask the courtroom deputy to swear the
14 defendant.

15 (Defendant sworn)

16 THE COURT: Mr. Meli, you're now under oath. What
17 that means is that if you answer any of my questions
18 intentionally falsely, you could be prosecuted for perjury.

19 Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: We'll begin with an easy question.

22 Please state your full name.

23 THE DEFENDANT: Joseph Gerald Meli.

24 THE COURT: Thank you.

25 How old are you?

1 THE DEFENDANT: Forty-three years of age.

2 THE COURT: Are you a U.S. citizen?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: What's your highest educational degree?

5 THE DEFENDANT: I'm a few credits shy of a bachelor's
6 in liberal arts.

7 THE COURT: So you attended college but didn't get a
8 bachelor's degree?

9 THE DEFENDANT: Correct.

10 THE COURT: When were you in college?

11 THE DEFENDANT: 1996.

12 THE COURT: What were you studying?

13 THE DEFENDANT: Political science.

14 THE COURT: So I take it you have no difficulty
15 reading or writing?

16 THE DEFENDANT: I have no difficulty reading or
17 writing.

18 THE COURT: Thank you.

19 Are you now or have you recently been under the care
20 of a doctor, a psychiatrist, or a psychologist for any reason?

21 THE DEFENDANT: I have seen a therapist to help me
22 during this period of time, your Honor.

23 THE COURT: To help you in connection with the
24 criminal prosecution that brings us here?

25 THE DEFENDANT: That's correct.

1 THE COURT: Are you still seeing that therapist?

2 THE DEFENDANT: Yes.

3 THE COURT: As part of your treatment with this
4 therapist, are you prescribed any medication?

5 THE DEFENDANT: I was prescribed, prior to this,
6 Wellbutrin for some low-level depression.

7 THE COURT: Are you still taking the Wellbutrin?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: Do you take any other medicines, drugs, or
10 pills on a regular basis, whether or not prescribed by a
11 doctor?

12 THE DEFENDANT: Yes. I take Synthroid, which is
13 because I have no thyroid from a bout with thyroid cancer.

14 THE COURT: Anything else?

15 THE DEFENDANT: No.

16 THE COURT: So it's the Wellbutrin and the Synthroid?

17 THE DEFENDANT: Correct.

18 THE COURT: Do you have any condition that affects
19 your ability to see or to hear?

20 THE DEFENDANT: No.

21 THE COURT: Do you have any condition that affects
22 your ability to think or to understand or to make judgments or
23 decisions on your own behalf?

24 THE DEFENDANT: No, your Honor.

25 THE COURT: Does either the Synthroid -- excuse me if

1 I'm mispronouncing it -- or the Wellbutrin interfere with your
2 ability to think or to understand or to make judgments?

3 THE DEFENDANT: No, your Honor.

4 THE COURT: In the last 24 hours, have you consumed
5 any alcohol?

6 THE DEFENDANT: No, your Honor.

7 THE COURT: In the last 24 hours, have you taken any
8 other drugs, medicine, or pills, whether or not prescribed by a
9 doctor?

10 THE DEFENDANT: No, your Honor.

11 THE COURT: Is your mind clear today?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Do you understand what is happening in
14 this courtroom?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: Does either counsel have any objection to
17 Mr. Meli's competence to plead?

18 MR. KOBRE: Not from the government.

19 MR. FETTERMAN: No, your Honor.

20 THE COURT: Thank you.

21 Now, Mr. Meli, have you received a copy of the
22 indictment, technically the superseding indictment, which
23 contains the charges against you?

24 THE DEFENDANT: Yes.

25 THE COURT: Have you read it?

1 THE DEFENDANT: Yes.

2 THE COURT: Do you want me to read it to you?

3 THE DEFENDANT: No. Thank you.

4 THE COURT: Do you understand what it says you did?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Have you had time to talk to your counsel
7 about the charges and about how you wish to plead?

8 THE DEFENDANT: Yes, I have.

9 THE COURT: Have your attorneys explained the
10 consequences of pleading guilty?

11 THE DEFENDANT: Yes, they have, your Honor.

12 THE COURT: I'm now going to explain certain
13 constitutional rights that you have. These are the rights that
14 you will be giving up if you enter a guilty plea.

15 Once again, please listen carefully to what I'm about
16 to say. If you don't understand something, let me know, and
17 either I or your counsel will explain the issue more fully.

18 Under the Constitution and laws of the United States,
19 you have a right to plead not guilty to all of the charges
20 contained in the indictment.

21 Do you understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: If you plead not guilty, you will be
24 entitled, under the Constitution and laws of the United States,
25 to a speedy and public trial by a jury of the charges against

1 you.

2 At trial, you would be presumed innocent. The
3 government would be required to prove you guilty beyond a
4 reasonable doubt before you could be found guilty. You could
5 not be convicted unless a jury of 12 people agreed unanimously
6 that you were guilty beyond a reasonable doubt.

7 Do you understand that?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: If you went to trial, then at that trial
10 and at every stage of the case, you would have the right to be
11 represented by an attorney. If you could not afford one, an
12 attorney would be appointed to represent you at the
13 government's expense.

14 Even if you began trial with retained counsel but then
15 ran out of money, an attorney would be appointed to continue to
16 represent you. You would be entitled to an attorney all the
17 way through trial, not just for a guilty plea.

18 Your decision to plead guilty, therefore, should not
19 depend on whether you can afford to hire an attorney.

20 Do you understand that?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: At trial, the witnesses for the
23 prosecution would have to come to court and testify in your
24 presence where you could see them and hear them and your
25 lawyers could cross-examine them.

1 If you wanted, your lawyers could offer evidence on
2 your behalf. They would be able to use the Court's power,
3 known as subpoena power, to compel witnesses to come to court
4 to testify, even if they didn't want to come.

5 Do you understand that?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: At trial, you would have the right to
8 testify in your own defense, if you wanted to. You would also
9 have the right not to testify. If you chose not to testify,
10 that could not be used against you in any way. No inference or
11 suggestion of guilt would be permitted from the fact that you
12 did not testify.

13 Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: If you were convicted at trial, you would
16 have the right to appeal to a higher court.

17 Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: As I said before, you have the right to
20 plead not guilty. Even right now, even though you came to
21 court today for the purpose of entering a guilty plea, you have
22 the right to change your mind and to persist in your not guilty
23 plea and to go to trial.

24 But if you do plead guilty and if the Court accepts
25 your plea, you will give up your right to a trial and all the

other rights that go with it that I have just described. If you plead guilty, there will be no trial. All that will remain to be done will be to impose a sentence.

You and the government will have the opportunity to make certain arguments as to what that sentence should be, but there won't be any trial to determine whether you are guilty or not guilty of the charge to which you plead guilty.

Do you understand that?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you also understand that the decision as to the appropriate sentence in your case will be entirely up to the sentencing judge, Judge Woods -- not me, not your lawyer, not the prosecutor.

THE DEFENDANT: Yes, your Honor.

THE COURT: Judge Woods will be limited by only what the law requires. This means that even if you are surprised or disappointed by your sentence, you will still be bound by the guilty plea, and you won't be able to take it back.

Do you understand that?

THE DEFENDANT: Yes, your Honor.

THE COURT: Finally, if you do plead guilty, you are giving up your right not to incriminate yourself. During this proceeding, I will ask you questions about what you did, and you'll have to answer those questions honestly. That's so that I can satisfy myself that you are actually guilty.

So, by pleading guilty, you will be admitting what lawyers call your factual guilt, as well as your legal guilt.

Do you understand that?

THE DEFENDANT: Yes, your Honor.

THE COURT: Turning to the indictment, I see that Count Five charges that you committed securities fraud in violation of a number of statutes -- 15 U.S. Code, Sections 78j(b) & 78ff; S.E.C Code 1085; and 18 U.S. Code, Section 2.

I am going to ask the assistant United States attorney, Mr. Kobre, to state the elements of the charge. The elements, sir, are the things that the government would have to prove beyond a reasonable doubt if you went to trial.

MR. KOBRE: Yes, your Honor. There are three elements to the charge in count 5. They are: First, that in connection with the purchase or sale of security, the defendant did any one or more of the following:

One, employed a device, scheme, or artifice to defraud; two, made an untrue statement of material fact or omitted to state a material fact which made what was said under the circumstances misleading or; three, engaged in an act, practice, or course of business that operated or would operate as a fraud or deceit upon a purchaser or seller.

Second, that the defendant acted willfully, knowingly, and with an intent to defraud. Third, that the defendant knowingly used or caused to be used any means of instruments of

1 transportation or communication in interstate commerce or the
2 use of the mails in furtherance of the fraudulent conduct.

3 The government would also have to prove that venue is
4 proper in the Southern District but only by a preponderance of
5 the evidence.

6 THE COURT: Thank you.

7 Mr. Meli, now I'm going to tell you the maximum
8 possible penalty for the crime charge in Count Five. The
9 maximum means the most that could be imposed. It does not mean
10 that this is what you will necessarily get. But by pleading
11 guilty, you are exposing yourself to the possibility of
12 receiving a punishment or combination of punishments up to the
13 maximum that I'm about to describe.

14 Do you understand that?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: The maximum term of imprisonment for the
17 crime charged in Count Five is 20 years, 20 years in prison,
18 which could be followed by up to three years of supervised
19 release.

20 If your sentence includes supervised release, you will
21 be subject to supervision by the probation department after
22 you're released from prison. If you violate any condition of
23 that supervised release, the Court can revoke the term of
24 supervised release previously imposed and return you to prison
25 without giving you any credit for time previously served on

post-release supervision.

In addition to these restrictions on your liberty, a maximum possible penalty for the crime charged in Count Five includes financial penalties. In your case, the maximum allowable fine is \$5,000,000 or twice the profits of the criminal activity or twice what someone other than yourself lost because of the criminal activity, whichever is greater.

You will also be required to pay restitution to any victims of the crime in an amount that the Court decides is required to compensate them for any injuries.

In addition, by pleading guilty, you will admit to the forfeiture allegations in the indictment, and you will agree to forfeit any property within the scope of 18 U.S. Code, Section 981(a)(1)(C) or 28 U.S. Code, Section 2461(c).

Now, you told me a few minutes ago that you are a U.S. citizen. The reason I ask that question is that if you were not a citizen, your guilty plea would likely have adverse consequences for your ability to remain in or return to the United States, which I am nonetheless required to advise you of.

Those adverse consequences could include removal, deportation, denial of citizenship, and denial of admission to the United States in the future. Your removal or deportation could be mandatory, and if that did happen, you would still be bound by your guilty plea. You would not be able to withdraw

1 it, regardless of any advice you received from your counsel or
2 others regarding the immigration consequences of your plea.

3 Do you understand that?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Has anyone threatened you or coerced you
6 in any way in an effort to get you to plead guilty?

7 THE DEFENDANT: No, your Honor.

8 THE COURT: I understand there is a written plea
9 agreement between you and the government. I've just been
10 handed a copy of it. It is contained in a letter dated
11 October 27 of this year addressed to your attorney, Mr. Stein.

12 MR. FETTERMAN: Your Honor, we signed a subsequent
13 agreement.

14 MR. KOBRE: Your Honor, there is an error in the
15 agreement. It's addressed to Mr. Fetterman. A prior version
16 of it had been addressed to another one of Mr. Meli's
17 attorneys, Mr. Stein.

18 THE COURT: I have been handed one which appears to be
19 fully executed. It's dated October 27, and it's addressed to
20 Mr. Fetterman at the top. It says, "Dear Mr. Stein," in the
21 "Dear" line.

22 MR. KOBRE: That's an error, your Honor. If we can
23 maybe take that one back and strike the word "Stein" and insert
24 "Fetterman" in it.

25 THE COURT: I don't think that matters.

1 MR. KOBRE: It doesn't matter, your Honor.

2 THE COURT: The document that I'm holding in my
3 hand -- is this the operative plea agreement?

4 MR. FETTERMAN: It is, your Honor.

5 THE COURT: Mr. Snell, in light of our colloquy, let
6 me mark as Exhibit 1 the plea agreement that we're using today
7 so there is no confusion when the transcript is read.

8 The letter is dated October 27. It says, "Dear
9 Mr. Stein," but it's actually addressed in the "address" line
10 to Mr. Fetterman.

11 This is the important part. It appears to be signed
12 on page 6 by Mr. Meli and by Mr. Fetterman.

13 Mr. Meli, is that your signature on page 6?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: Thank you, sir.

16 Did you read it before you signed it?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Did you discuss it with your attorney,
19 Mr. Fetterman?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: Do you understand its terms?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Has anyone promised you or offered you
24 anything in order to get you to plead guilty, other than what
25 is in this plea agreement?

1 THE DEFENDANT: No, your Honor.

2 THE COURT: Looking at page 3 of the plea agreement,
3 it appears that you and the government have reached an
4 agreement regarding the appropriate calculation of your
5 sentence under a part of our law known as the sentencing
6 guidelines.

7 Correct?

8 THE DEFENDANT: Yes.

9 THE COURT: That agreement is that the appropriate
10 guidelines sentencing range for you is from 78 to 97 months, 78
11 to 97 months in prison, and that the appropriate monetary fine
12 is from \$25,000 to \$5,000,000.

13 Under this agreement, neither you nor the government
14 is allowed to argue to the sentencing judge for a calculation
15 which is different than the one in this agreement.

16 Do you understand that in this agreement you have also
17 limited your rights, in certain respects, to appeal from any
18 sentence that may be imposed?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: Specifically, do you understand that as
21 long as Judge Woods sentences you to a prison term of no longer
22 than 97 months, any lawful sentence of supervised release, a
23 fine no greater than \$5,000,000, you're giving up your right to
24 challenge your sentence, whether by direct appeal, writ of
25 habeas corpus, or otherwise?

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: You have also agreed not to appeal the
3 entry of a forfeiture money judgment that is less than or equal
4 to \$65,000,000.

5 Do you understand that?

6 Take a moment and consult with your lawyer if you'd
7 like to.

8 (Pause)

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Do you understand that you have agreed not
11 to appeal the entry of a forfeiture money judgment so long as
12 it's no greater than \$65,000,000? Correct?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Do you also understand that under the
15 terms of your plea agreement, even if you later learn that the
16 government withheld from your counsel facts that would have
17 been helpful in your defense, you would not be able to complain
18 about that or withdraw your plea on that basis?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: Do you understand that the terms of your
21 plea agreement, including the sentencing calculations, are not
22 binding on your sentencing judge?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: She could reject those calculations and
25 impose a more severe sentence than you expect without

1 permitting you to withdraw your guilty plea.

2 The sentencing judge is required to make her own
3 independent calculation of the appropriate sentencing range
4 under the sentencing guideline. She will also have the
5 discretion to give you a sentence below or above that range, up
6 to the maximum that I told you about earlier.

7 In addition to the guidelines and possible departures
8 from the guidelines, the sentencing judge will also consider
9 the factors set forth in 18 U.S. Code, Section 3553(a).

10 In other words, the sentencing judge will pronounce
11 whatever sentence she believes is the appropriate sentence for
12 you, even if that sentence is different from the one set forth
13 in your plea agreement or recommended by the government at the
14 time of sentencing.

15 Do you understand that?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: The Court will consider a presentence
18 report prepared by the probation department in advance of your
19 sentencing. You and the government will have an opportunity to
20 review that report and to challenge the facts which are
21 reported by the probation officer.

22 Mr. Meli, do you understand that in the federal
23 system, there is no parole?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: If you are sentenced to prison, you will

1 not be released on parole.

2 Before I go on, let me ask both counsel if there are
3 any other provisions of the plea agreement that you'd like me
4 to bring to the defendant's attention.

5 MR. KOBRE: From the government, your Honor, not with
6 respect to the plea agreement, but we would just ask that you
7 advise the defendant -- it may not be the biggest point -- that
8 as part of his sentence, he'll be required to pay the mandatory
9 \$100 special assessment.

10 THE COURT: Did I skip that?

11 MR. KOBRE: I believe yes, your Honor.

12 THE COURT: Thank you for bringing that to my
13 attention.

14 In addition to the potential imprisonment, supervised
15 release, and monetary fines, there is a special assessment of
16 \$100 which is required to be imposed on each count of
17 conviction.

18 Do you understand that?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: Anything further, Mr. Kobre?

21 MR. KOBRE: No, your Honor. Thank you.

22 THE COURT: Mr. Fetterman?

23 MR. FETTERMAN: Your Honor, if you would just bring to
24 the defendant's attention that the parties agree that either
25 party may seek a sentence outside of the stipulated guidelines

1 range based on the factors to be considered in imposing the
2 sentence pursuant to Title 18, U.S. Code, Section 3553(a).

3 THE COURT: Sure.

4 Mr. Meli, I mentioned previously that the judge, the
5 sentencing judge, can consider the factors set forth in that
6 statute, Section 3553(a). In addition, either party may invoke
7 those factors, if they wish, to seek a sentence outside of the
8 stipulated guidelines range.

9 Do you understand that?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: Anything further from either side before I
12 go on?

13 MR. KOBRE: No, your Honor.

14 MR. FETTERMAN: No, your Honor.

15 THE COURT: All right, sir. You have now been advised
16 of the charges against you, the possible penalties that you
17 face, and the rights that you have giving up.

18 Is it still your intentional to plead guilty to
19 Count Five of the indictment?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: Please rise.

22 Is your plea voluntary and made of your own free will?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Mr. Meli, with respect to Count Five of
25 the indictment, how do you plead? Guilty or not guilty?

1 THE DEFENDANT: I plead guilty, your Honor.

2 THE COURT: You may be seated.

3 Now you need to tell me in your own words what you did
4 that makes you guilty of that crime.

5 THE DEFENDANT: Your Honor, starting in about 2015 in
6 New York, I mislead investors, and I took inappropriate
7 business by soliciting their investments with false documents.

8 I represented to certain investors that I had formal
9 written contracts to purchase bulk tickets to live events.
10 Those formal contracts did not always exist as I represented.

11 In some cases, I showed investors contracts that
12 appeared to be signed by people who had not signed them. And
13 in some cases, those contracts did not accurately reflect the
14 true agreements related to my bulk purchases of live events.

15 I knew what I was doing was wrong, and I apologize to
16 the Court, I apologize to the government, I apologize to my
17 investors, and to my family for my conduct.

18 THE COURT: Were you in New York when you engaged in
19 this conduct?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: When you engaged in this conduct, did you
22 use the telephones or the mails?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Did your attorney help you prepare the
25 statement that you gave?

1 THE DEFENDANT: They reviewed my statement,
2 your Honor.

3 THE COURT: That's fine.

4 Is everything that you just told me true?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Mr. Kobre, do you believe that is a
7 sufficient factual predicate for a guilty plea?

8 MR. KOBRE: We do, your Honor.

9 THE COURT: Are there any additional questions that
10 the government would like me to ask the defendant?

11 MR. KOBRE: No, your Honor.

12 THE COURT: Does the government represent that it has
13 sufficient evidence to establish guilt beyond a reasonable
14 doubt at trial, and would you like to make a proffer?

15 MR. KOBRE: Yes, Judge. And no, that's not necessary.

16 THE COURT: Mr. Meli, on the basis of your responses
17 to my questions and my observation of your demeanor, I find
18 that you are competent to enter a guilty plea.

19 I'm satisfied that you understand your rights,
20 including your right to go to trial; that you are aware of the
21 consequences of your plea, including the sentence that may be
22 imposed; that you are voluntarily pleading guilty; and that you
23 have admitted that you are guilty as charged in Count Five of
24 the indictment. For these reasons, I will recommend that the
25 district judge accept your plea.

1 I will ask the government to order a copy of the
2 transcript and to submit it to Judge Woods, together with any
3 additional paperwork she will need to act on my recommendation.

4 Has she set a sentencing date?

5 MR. KOBRE: She has, your Honor. That is January 31,
6 2018, at 11:00 a.m.

7 THE COURT: Mr. Meli, you're sentencing will take
8 place on January 31 of 2018, unless the district judge adjourns
9 that date between now and then.

10 I will direct that the presentence report be prepared.

11 Mr. Kobre, can you deliver the case summary to the
12 probation department within 14 days?

13 MR. KOBRE: Yes, Judge.

14 THE COURT: Mr. Fetterman, will you or your colleague
15 be available for interview with your client within those same
16 14 days?

17 MR. FETTERMAN: Sure, your Honor.

18 THE COURT: The defendant is released on bail;
19 correct?

20 MR. KOBRE: Correct, your Honor.

21 THE COURT: Are there any objections to continuing the
22 present conditions?

23 MR. KOBRE: No.

24 THE COURT: Mr. Meli, all of the conditions on which
25 you are released up until now continue to apply. I'm sure I

1 don't need to tell you this, but I will anyway. A violation of
2 those conditions would have serious consequences, including
3 revocation of bail and prosecution for bail jumping.

4 Do you understand that?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Anything further from the government?

7 MR. KOBRE: No, your Honor.

8 THE COURT: Anything further from the defense?

9 MR. FETTERMAN: No. Thank you, your Honor.

10 THE COURT: Thank you, gentlemen. We are adjourned.

11 (Adjourned)
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